

REMARKS

As discussed in applicant's response to the August 15, 2008 office action, the subject matter of the pending claims is not merely effective but synergistic herbicidal mixtures which include components A and B. Support for this synergism is provided by the experimental data in the present application. The Colby-value, which stands for the calculated additive effect [%], has to be compared to the observed effect (Damage [%]). The data prove that the inventive mixtures result in a more than simply additive effect. Applicants note that page 9 of the office action indicates that the arguments regarding the synergistic effects of components A and B were found persuasive. Thus, the rejection is based on whether all of the additional components C and D encompassed by the claims result in the same unexpected synergistic effect. As discussed during the interview, components A and B are the essential components and result in a synergistic effect. The additional components C and D do not interfere with this effect. In order to expedite the examination of this application, the claims have been amended to recite specific compounds for components C and D. The examples in the present application show the results obtained using atrazine (tables 5-8), bentazone (tables 9-11) and a mixture of iodosulfuron and isoxadifen (tables 12-15). Applicants respectfully point out that the triazines encompassed by the presently amended claims are structurally similar and thus would be expected to produce the same results as atrazine which has been shown to produce the desired effect. In addition, iodosulfuron is structurally similar to the sulfonylureas recited in the claims and thus the sulfonylureas would be expected to have the same effect. Since the examples in the present application show that the additional

components C and D do not interfere with the synergistic effect, applicants contend that the presently claimed invention is not obvious in view of the prior art.

In the event this paper is not considered to be timely filed, the Applicant respectfully petitions for an appropriate extension of time. Any fee for such an extension together with any additional fees that may be due with respect to this paper, may be charged to Counsel's Deposit Account No. 02-2135.

Respectfully submitted,

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